

1993—Subsec. (a). Pub. L. 103-156, §13(b)(1), struck out “(1)” before “Not later than” and struck out par. (2) which read as follows: “To ensure a smooth transition, the advisory committee established under section 87i of this title (as in effect prior to October 1, 1988) shall continue in existence until all members of the advisory committee established under this section are appointed; and the Secretary may appoint members of the advisory committee established under section 87i of this title to serve on the advisory committee established under this section, without regard to the time of service of such members on the advisory committee established under section 87i of this title.”

Subsec. (e). Pub. L. 103-156, §14(c), added subsec. (e).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-472 effective as if enacted Sept. 30, 2000, see section 111 of Pub. L. 106-472, set out as a note under section 79 of this title.

EFFECTIVE AND TERMINATION DATES

That part of section 2 of Pub. L. 100-518 which provided that section was effective for period Oct. 1, 1988, through Sept. 30, 1993, inclusive, was repealed, effective Sept. 30, 1993, by Pub. L. 103-156, §§13(a), 16(b), Nov. 24, 1993, 107 Stat. 1529, 1530.

§ 87k. Standardizing commercial inspections

(a) Testing equipment

To promote greater uniformity in commercial grain inspection results, the Secretary may work in conjunction with the National Institute for Standards and Technology, the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations to—

- (1) identify inspection instruments requiring standardization under subsection (b) of this section;
- (2) establish performance criteria for commercial grain inspection instruments;
- (3) develop a national program to approve grain inspection instruments for commercial inspection; and
- (4) develop standard reference materials or other means necessary for calibration or testing of approved instruments.

(b) General inspection procedures

To ensure that producers are treated uniformly in delivering grain, the Secretary shall develop practical and cost-effective procedures for conducting commercial inspections of grain with respect to the application of quality factors, that result in premiums and discounts. The procedures shall be made available to country elevators and others making first-point-of-delivery inspections.

(c) Inspection services and information

To encourage the use of equipment and procedures developed in accordance with subsections (a) and (b) of this section, the Secretary shall provide for official inspection services by the Secretary, States, and official inspection agencies and provide information on the proper use of sampling and inspection equipment, application of the grain standards, and availability of official inspection services, including appeals under this chapter.

(d) Standardized aflatoxin equipment and procedures

The Secretary shall—

(1) establish uniform standards for testing equipment; and

(2) establish uniform testing procedures and sampling techniques;

that may be used by processors, refiners, operators of grain elevators and terminals, and others to accurately detect the level of aflatoxin contamination of corn in the United States.

(Aug. 11, 1916, ch. 313, pt. B, §22, as added Pub. L. 101-624, title XX, §2009, Nov. 28, 1990, 104 Stat. 3931; amended Pub. L. 103-156, §§11, 13(b)(2), Nov. 24, 1993, 107 Stat. 1528, 1529; Pub. L. 103-354, title II, §293(a)(7), (8), Oct. 13, 1994, 108 Stat. 3237.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original “this Act” and was translated as reading “this part”, meaning part B of act Aug. 11, 1916, known as the United States Grain Standards Act, to reflect the probable intent of Congress.

AMENDMENTS

1994—Pub. L. 103-354 substituted “Secretary” for “Administrator” wherever appearing and “Secretary” for “Service” in subsec. (c).

1993—Subsec. (a). Pub. L. 103-156, §11, substituted “, the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations” for “and the National Conference on Weights and Measures” in introductory provisions.

Subsec. (c). Pub. L. 103-156, §13(b)(2), substituted “subsections (a) and (b)” for “subsection (a) and (b)”.

CHAPTER 4—NAVAL STORES

Sec.

91. Short title.
92. Definitions.
93. Establishment of official naval stores standards.
94. Supplying duplicates of standards; examination, etc., of naval stores and certification thereof.
95. Prohibition of acts deemed injurious to commerce in naval stores.
96. Punishment for violation of prohibition.
97. Purchase and analysis by Secretary of samples of spirits of turpentine to detect violations; reports to Department of Justice; publication of results of analysis, etc.
98. Fees and charges for naval stores inspection and related services; establishment; collection, etc.; authorization of appropriations; administrative expenses.
99. Separability.

TRANSFER OF FUNCTIONS

All functions of the Federal Security Administrator were transferred to the Secretary of Health, Education, and Welfare and all agencies of the Federal Security Agency were transferred to the Department of Health, Education, and Welfare by section 5 of 1953 Reorg. Plan No. 1, eff. Mar. 12, 1953, 18 F.R. 2053, 67 Stat. 631, set out in the Appendix to Title 5, Government Organization and Employees. The Federal Security Agency and the office of Administrator were abolished by section 8 of 1953 Reorg. Plan No. 1.

The Secretary and Department of Health, Education, and Welfare was redesignated the Secretary and Department of Health and Human Services by section 3508 of Title 20, Education.

The Food and Drug Administration in the Department of Agriculture and its functions, except those functions relating to the administration of the Naval Stores Act, this chapter, were transferred to the Federal Security Agency by 1940 Reorg. Plan No. IV, §12, set out in the Appendix to Title 5, Government Organization and Employees.

§ 91. Short title

For convenience of reference, this chapter may be designated and cited as “The Naval Stores Act.”

(Mar. 3, 1923, ch. 217, § 1, 42 Stat. 1435.)

EFFECTIVE DATE

Section 10 of act Mar. 3, 1923, provided: “That this Act [enacting this chapter] shall become effective at the expiration of ninety days next after the date of its approval [Mar. 23, 1923].”

§ 92. Definitions

When used in this chapter—

(a) “Naval stores” means spirits of turpentine and rosin.

(b) “Spirits of turpentine” includes gum spirits of turpentine and wood turpentine.

(c) “Gum spirits of turpentine” means spirits of turpentine made from gum (oleoresin) from a living tree.

(d) “Wood turpentine” includes steam distilled wood turpentine and destructively distilled wood turpentine.

(e) “Steam distilled wood turpentine” means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

(f) “Destructively distilled wood turpentine” means wood turpentine obtained in the destructive distillation of the wood.

(g) “Rosin” includes gum rosin and wood rosin.

(h) “Gum rosin” means rosin remaining after the distillation of gum spirits of turpentine.

(i) “Wood rosin” means rosin remaining after the distillation of steam distilled wood turpentine.

(j) “Package” means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

(k) “Person” includes partnerships, associations, and corporations, as well as individuals.

(l) The term “commerce” means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

(Mar. 3, 1923, ch. 217, § 2, 42 Stat. 1435.)

§ 93. Establishment of official naval stores standards

For the purposes of this chapter the kinds of spirits of turpentine defined in subdivisions (c), (e), and (f) of section 92 of this title and the rosin types heretofore prepared and recommended under existing laws, by or under authority of the Secretary of Agriculture, are made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least three months’ notice of the proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been

afforded those favoring or opposing the same. No such standard shall become effective until after three months from the date of the promulgation thereof. Any standard made by this chapter or established and promulgated by the Secretary of Agriculture in accordance therewith may be modified by said Secretary whenever, for reasons and causes deemed by him sufficient, the interests of the trade shall so require, after at least six months’ notice of the proposed modifications shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same; and no such modification so made shall become effective until after six months from the date when made.

The various grades of rosin, from highest to lowest, shall be designated, unless and until changed, as hereinbefore provided, by the following letters, respectively: X, WW, WG, N, M, K, I, H, G, F, E, D, and B, together with the designation “gum rosin” or “wood rosin”, as the case may be.

The standards herein made and authorized to be made shall be known as the “Official Naval Stores Standards of the United States,” and may be referred to by the abbreviated expression “United States Standards”, and shall be the standards by which all naval stores in commerce shall be graded and described.

(Mar. 3, 1923, ch. 217, § 3, 42 Stat. 1435.)

§ 94. Supplying duplicates of standards; examination, etc., of naval stores and certification thereof

The Secretary of Agriculture shall provide, if practicable, any interested persons with duplicates of the official naval stores standards of the United States upon request accompanied by tender of satisfactory security for the return thereof, under such regulations as he may prescribe. The Secretary of Agriculture shall examine, if practicable, upon request of any interested person, any naval stores and shall analyze, classify, or grade the same under such regulations as he may prescribe. He shall furnish a certificate showing the analysis, classification, or grade of such naval stores, which certificate shall be prima facie evidence of the analysis, classification, or grade of such naval stores and of the contents of any package from which the same may have been taken, as well as of the correctness of such analysis, classification, or grade and shall be admissible as such in any court.

(Mar. 3, 1923, ch. 217, § 4, 42 Stat. 1436; Pub. L. 97-35, title I, § 159(a)(1), Aug. 13, 1981, 95 Stat. 376.)

AMENDMENTS

1981—Pub. L. 97-35 struck out “on tender of the cost thereof as required by him,” after “grade the same”.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 159(b) of Pub. L. 97-35 provided that: “The provisions of this section [amending this section and section 98 of this title] shall become effective October 1, 1981”.

§ 95. Prohibition of acts deemed injurious to commerce in naval stores

The following acts are hereby declared injurious to commerce in naval stores and are hereby prohibited and made unlawful:

(a) The sale in commerce of any naval stores, or of anything offered as such, except under or by reference to United States standards.

(b) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

(c) The use in commerce of the word “turpentine” or the word “rosin,” singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter, or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for sale, advertising, or shipping anything other than naval stores of the United States standards.

(d) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such.

(Mar. 3, 1923, ch. 217, § 5, 42 Stat. 1436.)

§ 96. Punishment for violation of prohibition

Any person willfully violating any provision of section 95 of this title shall, on conviction, be punished for each offense by a fine not exceeding \$5,000 or by imprisonment for not exceeding one year, or both.

(Mar. 3, 1923, ch. 217, § 6, 42 Stat. 1436.)

§ 97. Purchase and analysis by Secretary of samples of spirits of turpentine to detect violations; reports to Department of Justice; publication of results of analysis, etc.

The Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this chapter. He shall report to the Department of Justice for appropriate action any violation of this chapter coming to his knowledge. He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this chapter.

(Mar. 3, 1923, ch. 217, § 7, 42 Stat. 1436.)

§ 98. Fees and charges for naval stores inspection and related services; establishment, collection, etc.; authorization of appropriations; administrative expenses

(a) The Secretary of Agriculture shall fix and cause to be collected fees and charges for the establishment of standards under section 93 of this title and for examinations, analyses, classifications, and other services under section 94 of this title which shall cover, as nearly as practicable, the costs of providing such services and standards as the Secretary shall deem necessary, including administrative and supervisory costs. Such fees and charges, when collected, shall be

credited to the current appropriation account that incurs such costs and shall be available without fiscal year limitation to pay the expenses of the Secretary incident to providing such services and standards under this chapter. Fees and charges shall be assessed and collected from processors and warehousemen of naval stores, and inspection and related services shall be suspended or denied to any such processor or warehouseman upon failure to timely pay the fees and charges assessed.

(b) There are hereby authorized to be appropriated such sums as may be necessary for the enforcement and administration of this chapter.

(Mar. 3, 1923, ch. 217, § 8, 42 Stat. 1436; Pub. L. 97-35, title I, § 159(a)(2), Aug. 13, 1981, 95 Stat. 376.)

AMENDMENTS

1981—Pub. L. 97-35 added subsec. (a). Former unlettered provisions were designated subsec. (b) and, as so designated, struck out authorization of the Secretary to employ personnel and make administrative expenditures.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, see section 159(b) of Pub. L. 97-35, set out as a note under section 94 of this title.

§ 99. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provisions to other persons and circumstances shall not be affected thereby.

(Mar. 3, 1923, ch. 217, § 9, 42 Stat. 1437.)

CHAPTER 5—IMPORTATION OF ADULTERATED SEEDS

§§ 111 to 116. Repealed. Aug. 9, 1939, ch. 615, § 419, 53 Stat. 1290

Sections, act Aug. 24, 1912, ch. 382, §§ 1-6, 37 Stat. 506, related to regulation of foreign commerce by prohibiting admission into United States of adulterated grain and seeds. See section 1551 et seq. of this title.

Section 111 amended by acts Aug. 11, 1916, ch. 313, 39 Stat. 453; Apr. 26, 1926, ch. 186, § 1, 44 Stat. 325.

Section 113 amended by act Aug. 11, 1916, ch. 313, 39 Stat. 453.

Sections 115 and 116 amended by act Apr. 26, 1926, ch. 186, § 2, 44 Stat. 325.

EFFECTIVE DATE OF REPEAL; EXCEPTIONS

Repeal effective on the one hundred and eightieth day after Aug. 9, 1939, except that notices with respect to imported alfalfa and red clover seed promulgated by the Secretary of Agriculture under authority of former sections 111 to 116 of this title, which were in effect Aug. 9, 1939, remained in full force and effect as if promulgated under sections 1551 to 1610 of this title.

CHAPTER 6—INSECTICIDES AND ENVIRONMENTAL PESTICIDE CONTROL

SUBCHAPTER I—INSECTICIDES

Sec.

121 to 134. Repealed.

SUBCHAPTER II—ENVIRONMENTAL PESTICIDE CONTROL

135 to 135k. Omitted.